### STORE"

. . . The 94th meeting of the CIA RETIREMENT BOARD convened at 1:30 p.m. on Thursday, 1 August 1968, with the following present:

25X1A9a

nairman
1, DDP Member
Member
2T Member
Alternate DDS Member
le, Legal Adviser
, Executive Secretary
Recording Secretary

25X1A9a

First, there was one little thing I did want to tell you. We went to great lengths to extend quite a few people to give them this advantage of the new pay raise in their lump sum payment of annual leave. There has been a Comptroller General decision saying they would have been entitled to it in any event. In other words, if they left on 30 June and they had two months lump sum annual leave that is considered pay for the month of July and August and they were entitled to get it at the higher rate. I point this out so we won't have to go through the same thing next year.

Shall we consider the Minutes of the 18 July meeting? Are

25X1A9a there any changes, additions or deletions?

I would simply point out in Item 3 - I think this is 25X1A9a about the way we had it - we were going to ask for something.

John did kind of excuse himself from that assignment.

25X1A9a There was some talk at the tail end of the meeting about a letter of appreciation for those who served on the old Board. None of this is reflected here. I thought we had agreed to make this a matter of record.

25X1A9a When I wrote the Minutes I didn't know it was the last time for the old Board.

25X1A9a We will do that in these Minutes and get some letters written.

25X1A9a : This will be the groundwork for a good send off for when we leave.

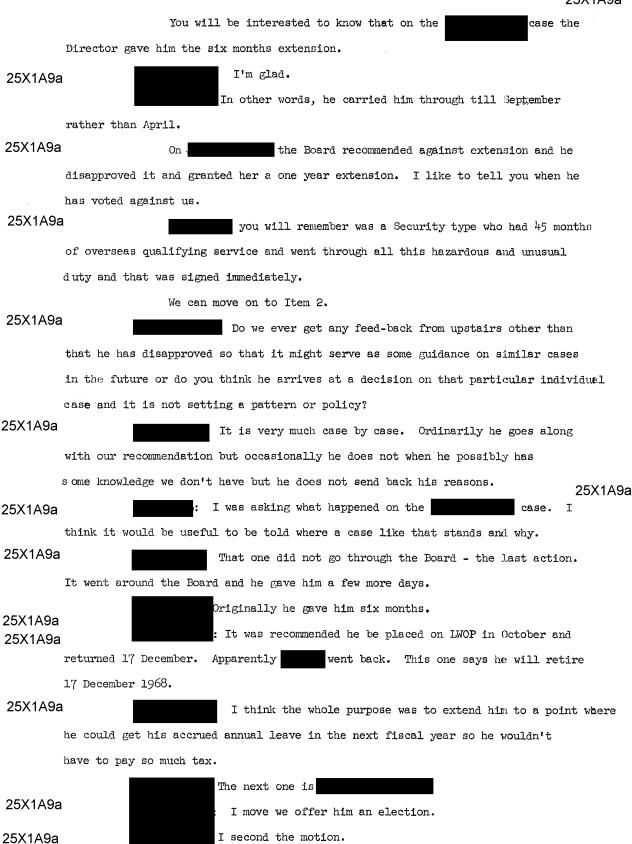
If there are no changes other than that, and that really isn't a change - we will pick this up in the current minutes - then they stand as written.



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. . . This motion was then passed . . . .

Schol

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Then Item B. The following participant has applied for 25X1A9a voluntary retirement -- He is 55 and has 28 years of Federal service and 21 years of Agency service.

25X1A9a : I move we recommend favorable consideration to the request that he retire.

25X1A9a : I will second it.

. . . The motion was then passed . . . .

25X1A9a

these two voluntaries. They are all 30 September and we would like not to delay any further in getting them up to the Director. The first one is

She is an OP/DDS Careerist, age 53 with 22 years Federal service, 15 years Agency service and requests voluntary retirement on 30 September 1968. She is fully qualified and not controversial as far as I am concerned.

25X1A9a

Why don't I run through them all?

He is a Commo type also requesting voluntary retirement on 30 September. He will be 50 on 28 September, Federal service 21 years, Agency service 18 years. Larry is a GS-13. We have another OC type, He is ready to retire on 30 September at age 59. You recall Newt has been in and out of our system and now he is back in and has gotten himself a job and is ready to move and OC is ready to see him 25X1A9a move. All of these have the concurrence of their career service. Finally we have for whom the Director approved an extension. He has obtained a job and is ready to move out at age 59 with 23 years Federal service and 20 years Agency service. We might vote on these four. Do I have a recommendation?

I move we accept the retirement of all four of these.

25X1A9a

This motion was then passed . . . .

25X1A9a

I'm sorry but I hate to bring these up but the time pressure is great. The two disabilities are very routine. The first one is

The Board of Medical Examiners sat on this one on 12 July. They apparently convened previously on 28 May and recommended his application for

Second.

disability retirement be approved.

25X1A9a

case indicates it is an emotional

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problem. We have verified it is not a potential BEC case so we have a request

for disability retirement for

25X1A9a

25X1A9a

On behalf of

I want to ask if we have a

25X1A9a

sworn statement that there are no BEC implications in this case.

25X1A9a

Yes I have one. I really think John is still missing something in this. The fact that he is entitled to disability retirement and we so recommend does not in any way stop him from persuing a BEC claim and if later on years from now he is granted it he has the opportunity of going back and electing one or the other. I don't really see why you would stop this action pending a final determination of whether it is a BEC case.

25X1A9a

I think John merely wants to be assured the Agency is not overlooking something that might be to the individual's benefit.

25X1A9a

This type is obviously one of the tougher ones but it is tough from both standpoints. It is very difficult to get a BEC ruling that an emotional case is caused by the stresses of the job. In any event we have discussed it with the Medical Staff and --

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How old a man is this?

He was born in 1922 so he is 46.

25X1A9a

The second medical case is

Again a Medical

Board sat on this case and their diagnosis was rheumatoid arthritis which is 25X1A9a chronic and they expect the symptoms will gradually increase in severity.

> permanent and they The Board of Examiners say the disability of recommend his application for disability retirement be approved. I do not have,

because it just came in, the BEC statement but we will get it and --

25X1A9a

Can you indicate what grade and age he is? He was born in 1927. He is 41 years old and a GS-9.

He is an NPIC clerk intel assistant photographer.

25X1A9a

They don't count against our 400 -- disability cases? No.

25X1A9a

Do I have a motion?

I so move Second.

. . . This motion was then passed . . . .

25X1A9a 25X1A9a

We move on to I guess maybe I am too

technical but my thought after reading this was to send it back and say - "Don't ask us to change the regulation for this action. If you want to do that let's do it separately. Why don't you come forward with a straightforward request for a review of his domestic service as possibly qualifying service?" There is an implication they want us to handle this contrary to the statutes - "Even though he does not have his five years, don't put him out of the system."

25X1A9a I came to the same conclusion. They should have said,

"let's consider revising the Agency regulation and if you feel you can revise it 25X1A9a this case could be brought into it." You recall raised this problem

a year ago. He said that the day would come when people will be very close to the required number of months at the end of the 10 year and the 15 year review. It would appear silly to take them out. They are members of a service normally requiring the performance of qualifying service. He recommended changing the regulation to allow for that type of case rather than have the individual change from one system to another and maybe a few months later back into the system again. As I remember the Board called upon him to come up with some cases and he promised to do it but to my knowledge he never came up with any cases.

25X1A9a First of all, in the case the other day where when 25X1A9

the 15 year review period came we put him out of the system when he was six months shy. He then submitted a request saying, "I can work till 62 under Civil Service but if you take a look at my domestic service and find some of it qualifying I'd like to get back into the system and I will immediately retire." The Board had

25X1A9a little trouble finding qualifying service. At that meeting and I exchanged a few words. I said, I guess we learn as we go along and before we put someone out it would be prudent to take a look at domestic service to see if there is enough to give him his five years, recognizing it was a bit of a departure from our previous approach.

25X1A9a

In the case you just cited didn't we find it under (11)(c)?

And we had ample evidence for those types of cases but

this is really raising the question of domestic duty equating qualifying duty.

25X1A9a : You see, Jim in a sense ticked this thing off. We opened the door for him. When his review period came up we went back to the component and pointed out that he needed six months and 22 days and that he is not now

performing overseas qualifying service and, in a sense, what do you see in terms of domestic service? We received an answer from Jim - "After review of 25X1A9a the official personnel file and records of this Division it has been determined

has no domestic service which is creditable for CIA Retirement System."

25X1A9a : That wasn't signed by him.

25X1A9a

No, it was signed by We also have a letter signed by Jim here which says obviously his service is creditable. We tried to do the right thing.

Now, one last thing. As of today each Deputy has in hand a letter from Colonel White which asks that they review all their people who are fully qualified for entry into the system in the sense that they are 50 and have 20 years but are not in because they do not have sufficient qualifying service but who have some overseas service - review their domestic service to determine if any of these people have domestic service that is qualifying and to submit it to the Board. He spells out quite clearly we are going to be 147 under quota by projection and since this system is to be a flexible management tool, make it clear to the people you talk to this is a one-time sort of proposition because we are under quota and to look at your qualifying domestic service with possibly a more open eye, but warning them in the next five year cycle we may not be quite as generous.

25X1A9a This is to identify people who would be willing to retire now if they could qualify for the system so this would be a planned exercise in (11)(c).

25X1A9a

Which we have already done.

I do think it is going to result in this and we sort of

warned Red that there are bound to be some people raise their hand just to get into the system and you do have a bit of a problem.

25X1A9a The object of that exercise is to pin-point a very close future date of retirement.

25X1A9a I am wondering whether it is a case of management saying, "I wish I could retire this guy, this guy and this guy," or is it just a question of reducing numbers?

25X1A9a This in a sense is what management is doing. They are going to list the people who possibly qualify and then go over the list and say, "I will call this one, this one -- "

Segret

25X1A9a Qualify under b.(11)(c)? When you read it there is part of b.(11). I don't think you have to restrict it. 25X1A9a But if they had enough under (a) and (b) they would be in the system. 25X1A9a : In other words, we would be forced like in this case --25X1A9a the case -- if we decided under (a) or (b) then we would put him in the system. 25X1A9a We are saying, "Take another look under all of (11). You may have overlooked something." I said I started out being too technical because 25X1A9a as you read on in this case they are sort of saying both things. submits a request for reconsideration and he bases his request on headquarters' positions supporting Clandestine Services activity abroad, so in that sense that is 25X1A9a asks for and that is what the plea is on and then they kind of confuse 25X1A9ait a little and then we have a letter from saying, "It appears this is comparable to service that in other cases has recently been adjudged creditable service." 25X1A9a Except it was adjudged creditable service for the purpose of immediate retirement. 25X1A9a : And now we are doing it for an intermediate purpose. It is a change in our own policy but I am afraid maybe the time has come that we face up to domestic qualifying service at an earlier date. 25X1A9a As I see this the steps would be, do we want to consider changing the regulation and, if we do, then does he come within it - whatever the criteria we set up for justifying the change of the regulation? 25X1A9a We are not changing the regulation. We are only changing the Board's ground rules. 25X1A9a You have to change the regulation because the regulation says you go out if you don't have so many months. 25X1A9a I am saying all we do is say we have reviewed his file and find --We haven't. We can do that. -- qualifying service and then we don't change it.

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25X1A9a

That doesn't change the regulation at all. If we fail to change the regulation or do not want to change it then we have open to us to consider his domestic service as being qualifying service in which we find the extra six months and say he has got his 60 months and he is in the system.

25X1A9a I guess that is what I am saying but I tend to go about it the other way.

Iet's look at it to see if we can put him in the system.

That is, I think, one of our problems. There isn't a real good presentation of his service.

I can tell you what that is. He is Chief of Operations,

NE for South Asia. That covers five branches. He is Chief of Operations and,
as such, he is also Deputy Chief for this NE South Asia area and he acts in place
of the Chief when the Chief is absent. He is the one ultimately responsible for
that entire area for FI, CI and CA operations that take place in South Asia.

That calls for passing judgment on agents, pushing operations, getting operations
going in the area, terminating operations that are unproductive and in effect calling
pitches in all three types of operations. It calls for periodic trips to the
field, being in touch with agents overseas on occasion.

25X1A9a

The is still doing a little case officering?

The meets them. He was in that area and he has recontacted people in that area on periodic trips to the field.

25X1A9a

The has been doing that all this time? We are only looking for six months and 22 days.

25X1A9a

For at least the last two years sincehe has been Chief of Operations of NE/SA.

25X1A9a

It strikes me there is a fallacy in saying, "Let's change this regulation," for there is a real reason for the 15 and 5. If you bring a person into the system without the 5 years of qualifying service they can retire at the mandatory retirement age without the 5 years of service because the regulation doesn't specifically say you have to have 5 years of service. One of the reasons it does not is that it is implied you couldn't have gotten in at the end of 15 years if you didn't have five years of service. On the other hand, without 5 years of service you have a vested right in the system but you couldn't retire voluntarily nor could you be involuntarily retired because you don't have 5 years of service. So, there

is quite a basic change required to get away from this five year concept. You could even be depriving a person of something. For example, he could have 30 years of service and then under Civil Service he could retire on the optional basis at 55. He could have, yet you can't bring someone into the system who has less than 15 years of service and 5 and he could hit age 60 with only 10 years and 3 years of overseas service and retire him mandatorily. So you need something in there to stay consistent with the statutory requirement of five years.

25X1A9a

One thing bothers me - dragging people in before they are ready to retire. There are the minimal requirements. Now why should we endeavor to qualify someone who doesn't meet the minimal requirements? We are trying to say, "This much or more" and anybody who doesn't come up to the threshhold - at least that we require - we shouldn't try to find ways to keep them in.

25X1A9a

I agree with you except I wouldn't want to prejudge that he doesn't have domestic service that is qualifying. I think we have a subsequent case that gives you a lot more trouble.

25X1A9a

I think for a man who isn't about to retire we shouldn't face this issue.

What is the significance of bringing a man in as opposed to leaving him out. Where does he benefit?

25X1A9a

 $\boldsymbol{\cdot}$  . . . then left the meeting . . . .

25X1A9a

The feeling of a little more security. The wife would get a higher annuity.

25X1A9a

this is the way they should have presented this - take a look to see if we should change the regulation and then if the Board did decide later on we would see whether he met whatever criteria we set up. Failing that we would look at this man and say we don't have to consider those questions if we can find in his domestic functions he has easily 60 months of qualifying duty which would give him the 6 months, put him in the system and give him an election. So we don't have to face that unless you want to go back to CS Career Service and say something about this suggestion to look at the regulation.

SE

25X1A9a We owe Tom Karamessines a letter and I think we can point out some of the reasons why it might not be wise to change that regulation, but even if we wanted to -- and Dick probably can talk better on it than I - the regulation would have to go back to the Committee. There is a big question of whether we can, on our own, change the regulation and if we could, more important, would we really want to? In any event, I don't think it answers 25X1A9a problem to wait until we try to get the regulation changed. What I am also 25X1A9a thinking about it going through another case where we put him out of the system and then in two years he says, "I'm now ready to retire. Will you please take a look at that service that I had," and there is little question in my mind but that we would find it qualifying. 25X1A9a Let me explain this. I was invited to the CS meeting which

took place right after a meeting of this Board but it started before the Board had

25X1A9a

finished so I was still here. When I went to that meeting they were discussing

the case and at that time made mention of the fact that he had

raised this question and the Board had asked him to come forward with some examples,

feeling it might be advisable in the future to take some action along these lines,

and said, "Here is the type of case I was talking about and might

they not now consider that problem of changing the regulation?" He based this

on that very ground. Now it is being presented.

25X1A9a On what ground?

He presented this case as an illustration of the type he raised here months ago. He raised that question at that meeting and nobody said anything to him except that it was a pretty good idea.

I gathered what he was looking for was an administrative way of holding cases in escrow. That seemed to be in his mind. I don't think it would accomplish more to say at the end of 15 years you have to have 4 and a half years qualifying service.

25X1A9a We have one but only because the man was overseas and in about 8 months he would have it.

25X1A9a We administratively lose a paper and not take action for 25X1A9a months but in the case it looks like we have a couple or three years here before he may go overseas again.

Silin

25X1A9a

Was that what you had in mind when he raised that problem? Mere's an exerpt from the Minutes (reading): "...this would result in many employees being moved in and out of the system many times during their normal career. It is concluded this was a matter to warrent further attention 25X1A9aand is volunteered to present cases that would highlight the problem." That is what he had in mind at the CSCS Board meeting and this type of case is highlighting that very problem. Now we can come to grips with this if we want to or we need not come to grips with this, although you might want to answer the DDP by simply saying, "Can we find in his domestic service qualifying duty?" so that it becomes a moot case insofar as this particular case is concerned and if you find qualifying duty for 6 months you put them in the system and he is in and that is the end.

25X1A9a It is backing off on this one but, again, I am saying that nobody has offered any alternative. They have only said this self-imposed anniversary review will cause us problems but they haven't offered any improved way of administration.

25X1A9a

No, but if we want to consider it --Do you have any thoughts on it, Mike?I made a review of the discussions before the committee

and the statements that were made there. There was the statement made to the Committee, among other things, that we would have this review every so often and if we found that an individual hadn't met the qualifications that he would be removed from the system. I found a couple of references to that but it always had to do with if the individual, before he had a sufficient amount of qualifying service, had moved into some other field of activity that didn't normally call for performing qualifying duty. Now I think that maybe we could change the regulation to take care of cases where the man continues to meet all the qualifications for participation in the system and that he still works for a service that normally performs qualifying duty and the only thing that is lacking is that minimum number of months, but I also recognize it would be difficult because I think you would have to go back to the Committee.

25X1A9a Section 203 of the Law says (reading): "Any participant who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying for the system may elect

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to remain a participant of such system for the duration of his employment by the Agency and such election shall not be subject to review or approval by the Director."

In other words the Statute is that he gets a vested interest in the system after 15 years and if he doesn't have the 5 years then - I am going back over this story I went through - you are giving a man a vested right to stay in this system for which he cannot completely qualify in terms of either voluntary or involuntary retirement.

25X1A9a

I assume it is on the theory that after 15 years he should have the qualifying service.

25X1A9a This is one of the restraints we placed into the system.

I think it was well thought out. The one filter that you put in before this 15 year election in which he gets the vested right is that you must have 5 years of service.

25X1A9a

I see no reason why the Board can't find what is wanted here.

This man's career is adjudged by the Director to be qualifying for the system and we look at the whole career -- not only with clearly qualifying service like overseas, but some of this domestic. Again, it's doing it on a case by case basis. It is not setting a precedent and I don't see any reason why the Board can't say, "Yes, we find this man's career to be of qualifying service."

25X1A9a position I believe is, here is a man who is dedicated to overseas duty. At the time you make the review he is just short of the minimum number of months. He has been begging to go overseas, but for the good of the Agency and good of the Service he is being forced to stay here and he says in that type of case where it is for the good of the Agency, could you not find some way of restating our regulations to permit that?

25X1A9a That is what I think he had in mind. - some way of getting around it and not really changing the basic regulation. Well, let us consider this and answer the DDP's letter. I frankly don't see any way around it. First of all, to say a man is completely dedicated to this overseas business --

We would all like to go overseas.

-- and at the end of the 15 years he doesn't have the 5

years so you take him out then he comes back in whenever he makes it. It isn't

all that critical, but we are also saying now that there is certain domestic

service that is qualifying and we are going to be seeing more and more as qualifying

I would guess so therefore why not look at that now? Again, and I am repeating myself,

## Stulle

but we have been pretty consistent - we will do it when the man is retiring. Here's an intermediate - we either have to pull him out or keep him in. I have checked 25X1A9a with Finance and I think tended to make more of this than is really the case. They said, "Don't worry about us in reaching your Board decisions about the administrative problems of putting these people in and out. It isn't that great a problem and there certainly haven't been that many cases." Three in three years. 25X1A9a Yes, but there is going to be more and more of these cases where we say it is kind of silly to take them out and we sit down and look at the individual case to see whether his domestic duty equates qualifying duty so we don't have to face the other. 25X1A9a Why don't we make our regulation sound like this passage 25X1A9ain the law that you (indicating referred to? Let me say this: we really need time to do a little more 25X1A9a in-depth study to give you a more technical answer. My feeling is that we have a lot more leeway on the 5 and 10 year review. 25X1A9a It seems to me we could handle the regulation in a case like this where the individual meets every one of the qualifications for being a participant in the system except the full 60 months of qualifying duty under the regulation. The person still working in a service that normally performs qualifying duty and meets all the requirements but one, and I am thinking of the next case where the girl is lacking ll days. In that case if she had been transferred to a service that normally does not perform qualifying duty -- and it is not like the case of 25X1A9a who is still in the service and could be sent over tomorrow -- but if the Office of Personnel said that this girl is still in that group of individuals that the Office of Personnel normally sends overseas she would be meeting all the qualifications except she is lacking 11 days. Now does it make sense to take her our of the system because she is lacking 11 days only to put her back in 4 months from now when the Office of Personnel wants to send her on a TDY? 25X1A9a The fact remains if you put into the system 25X1A9a without recognizing he has qualifying service of 60 months he is in a system where he cannot voluntarily retire nor can he be involuntarily separated. I'm with you there. I think there is something that could 25X1A9a

be done to take care of this administrative burden, if it turns out to be an

administrative burden. It may be the disadvantages outweigh the advantages and we might not want to touch this.

25X1A9a statement, and based on his own statement of what he has done and

I see is he isn't old enough but once he reaches 50 --

25X1A9a

No, we were saying, can we leave him in the system and --- change the regulations so that the Board does have some

We haven't decided he has 60 months of qualifying duty.

discretion?

25X1A9a

What you are doing is granting him qualifying service.

Do I have a motion, or has there been sufficient consideration that his service that we see totals qualifying service of 60 months based on a portion of his domestic service?

25X1A9a That's why I say we have made a review. Admittedly we haven't had all the records.

25X1A9a

Do you agree that the type of duties being performed by him today which I described orally is in conduct of or in support of clandestine operations?

25X1A9a

Yes, it comes under the meaning of the regulation.

Not the way I read it. I never have agreed with your interpretation. The way I read the regulation is it is in support of clandestine operations overseas. You just read it as in support of clandestine operations no matter where performed.

25X1A9a

I have gone along because of the retirement aspect but not in this case. There, the system is serving management's objective of getting people out earlier than otherwise possible. This was the major objective of the system.

25X1A9a I think we have got to face that fact and discuss these cases and I'm sorry that we brought the Board to only four or five members. We should



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have looked at this while we had a fuller Board. We have got to face this problem and there is a case on the table right now before us.

I have been like Paul -- reluctant to consider domestic service other than for retirement purposes. I am now ready to take one more step forward and say I am willing to consider it when there is a question of putting the man out of the system which he obviously is going to be qualified for and, therefore, I would be willing to construe 6 months and 22 days of domestic service as qualifying.

25X1A9a We haven't taken that step yet. A little of it is defensive in that we could get literally thousands of cases.

25X1A9a I object to it. Grant him 6 months here but if you go along, suppose that man had never gone a day overseas. Why would you not admit him to the system if that type of duty is qualifying? I can't draw the line.

25X1A9a

Here is a man who has 4 and a half years overseas, he has always been in that career service, he is fully committed to going overseas again.

You are taking the whole situation and considering it. The very next fellow may be up for 6 months and I wouldn't want to consider it.

I would say he has served 15 years but he still fails to meet the minimal requirement of 5 years and therefore we take him out of the system even though it may be necessary to invite him back in in a very short time. You have got to draw the line someplace. I'd rather draw one guy out than have a hard time keeping hundreds out who can make about the same story except they may not be at the 15 year review.

Yes, and it is critical to our decision.

I would like to set up alternate approaches to the problem here and see if we can't sift out something workable within our own interpretations.

I think you can frame some language that will give this Board some discretionary

25X1A9a

But we have been defaulting by passing these on to the

Director.

We have made recommendations of "in" or "out" in every case.

power that it has got to have.

25X1A9a In my mind it is still logical, and I certainly understand everything you are saying, Paul, and I think it is just a difference of opinion 25X1A9a on this one but when the case came up it became clear to me that we had a second category. Heretofore, we said we are going to really be pretty strict in our interpretation of qualifying service unless the man is ready to retire and then, in retrospect, we will look back in his career and say it qualifies him and he 25X1A9a retires. After the case, where we made a yo-yo out of him and gave him credit for the very service that he had when we took him out, I felt we had one further step to go. The 15 year election time is another time we would consider such service. I don't think we are going to have a lot of cases. We would have to pull this individual out of the system we are pretty well assured he is coming back into and if he elected to retire without going overseas again we would have little trouble in finding some of that service as qualifying. I'm not sure where you are, Mike, in this discussion. In this discussion? 25X1A9a Setting aside for a minute the changing of the regulations. I think we ought to take a look at it and wee if this domestic service that I have enunciated constitutes qualifying service so we can 25X1A9a find if he has 60 months and give him that election as we did in the case. 25X1A9a and I know what he does and you have further I know 25X1A9a explained that. It is on the record. has made a statement and 25X1A9a Tom Karamessines has made the statement. I think we have enough. Are you saying you think we need more? 25X1A9a : I am saying, let's decide the question -- "does he have 60 months of qualifying service based on his whole record?" The question as to whether we should change the regulation can be put off till some other time. 25X1A9a I think all we need now is a motion to that effect unless you feel you would like to defer it until there is a full Board. The motion would have to be that the Board reviewed the man's domestic qualifying service and his overseas service of 4 and a half years and determined he had 60 months of qualifying service --25X1A9a -- for the purpose of giving him the vested interest in the service at the 15 year review. 25X1A9a : If that is what it's going to be I will move that without

repeating it.

## SEGNE

25X1A9a What is it? 25X1A9a We are going one step further. First of all, we are saying what you just said -- that we reviewed his total career which consists of 4 and a half years of actual overseas service and an extensive period of time in the Clandestine Service in support of clandestine operations and in total we see a full 60 months of qualifying service which therefore qualifies him at this 15 year point to have a vested interest. : He has his 15 years now. 25X1A9a Paul's point is we are sort of indicating we did this on his 15 year election point. 25X1A9a I will accept that but I think I'd like to add that I think we have got to come to grips with what constitutes qualifying service of a domestic duty. 25X1A9a But that is an outgrowth and not a part of what we are deciding here. It is going to be terribly difficult to try and define it better than that very broad loosely worded regulation. 25X1A9a I think there are going to be cases which fall into a pattern more easily than others. 25X1A9a wrote a paper here once and I am sure we can find it which began giving a feel for this. He was tying it all up in a package but you still don't wind up defining it any better than (11)(a), (b) and (c) did which I think is very broad. 25X1A9a One thing you could do to define it better is to decide whether support of clandestine operations means that you have to be abroad when you conducted this support or whether where you have done this support from is immaterial and I think this is where we part company. From General Carter's testimony there would be many, many people in the DDP here at Headquarters who would not qualify for the service. There would be many people abroad who were not in DDP who would qualify, and this was one of the very sharp distinctions made -- "where were they when they did the work?"

25X1A9a Right now I am trying to face the reality of sitting opposite the Executive Director who is saying to us: "You have the ability within this Act to make up this quota by seeing qualifying service for --

25X1A9a -- for retirement purposes. That's the only reason he is

South

asking us to go after more names - to move them out.

25X1A9a

25X1A9a

But you have got to go by the definition for retirement purposes.

25X1A9a

I think if you take it at face value you could do it all

by computer and you wouldn't need this Board. I think the reason we have a Board

is it is recognized there are going to be cases that don't clearly fall in or outside.

25X1A9a

We would really have no problem if you say you have got to be outside the continental limits.

25X1A9a

You have hazard and there is a question of whether you have been deprived of competitive advantages if you leave the Agency. Just because a guy is in correspondence with somebody overseas, to me he hasn't done one thing that is more deserving of credit for retirement purposes than one who is writing letters 25X1A6a to somebody in

I take issue with that one. I think there is a distinction in these cases and it is the amount of responsibility and the amount of direct support that is being lent to operations abroad that should be the determining factor. I can see a person being overseas for 4 years and being brought here and put in an analytical job in the CS that is far removed. It supports no doubt operations abroad but far removed from the direct support of the type of operations we run abroad. I could see that that person would not get into the system and it is that person General Carter was talking about when he went before Congress. I can also see a man coming back after 4 years directing people who he hired overseas, through his station chief, as a branch or chief of operations where he is calling the pitches on the very operations he had built up overseas. There is a distinction — that man is predominantly involved in operations overseas, but in the absence of the man's immediate retirement —

Nothing is spelled out in (ll)(c) -- "just for retirement purposes." This job of running agents abroad is a departure from the normal type of Government employee. It is the type of work that he'd find great difficulty in explaining to anybody.

25X1A9a : If we say that (ll)(c) is not going to be reserved for a person who simultaneously submits a request to retire, then I think what I have said hits that on the nose (reading): "...on a continuing basis which would place

the individual at a distinct disadvantage in obtaining other employment either because the skills and knowledge are unique to the clandestine activities of the Agency and are not in demand elsewhere..." We stop there and use (11)(c) and that hits this case perfectly. I don't think anybody else in Government is calling the pitches on spy activities overseas like this fellow, 25X1A9a

He is directly involved.

25X1A9a: We are only trying to take one more step here at this l5 year review. Should we take a little different look?

25X1A9a

That really should be the point where we are most strict in the standards used for admissibility to the system. because you are giving him something where the next day he may be off to the races and he can keep what you give him no matter what he does. If this man were not in and came to us today with this record would we put him in the system?

25X1A9a That's a good question.

reason.

After 15 years I suppose we wouldn't. There would be no

: Yes there would be. A man might have 54 months overseas

service and lack 6 and at the end of his 15 years like to have a review of his record because he could die in his 16th year.

I think Paul's point was if a man was coming to us now saying: "I have 3 years of service and you haven't let me in. How about taking a look at my domestic service." I would not feel the compulsion I do now. Here's a man who is in the system and we are about to put him out. Somehow I feel different about the fellow who isn't in yet.

25X1A9a I find that difficult to accept. I think if you are going to apply it in one case we can apply it in another.

25X1A9a

There must be some reason for putting (ll)(c) in.

: If you look at the Act and some people are citing the

Act to us and they say you have got to meet one of two things -- in support of Agency activities abroad hazardous to life and health, which we interpreted as overseas, or so specialized because of security requirements as to be clearly distinguishable from normal government employment and he says, "I am calling the pitches on spies overseas. Who else is doing that? I don't see how you can keep me from getting into the system." We, unfortunately, have come up with (11) (a), (b) and (c) which

I don't think sufficiently defines the case under Section 203 (i) and (ii) of the Act.

25X1A9a This is what I think we ought to look at very carefully and this is what I was trying to suggest - look for alternatives to the language in the regulation that in my opinion would come a little closer to the Act.

I think the Act is broader than our regulation. 25X1A9a We got the regulation to make it easier to reach a conclusion.

In our regulations we have narrowed it.

I agree. I think Section 203 is easier to live with but

(11)(c) is narrowed only in our minds.

25X1A9a Some have (a) and (b) as duty overseas and looking at (c) as only applying to retirement because we were told (c) was stuck in there to take care of people who wanted to retire.

25X1A9a I think the statute clearly contemplated two categories of people -- those who are overseas and then those who are not necessarily overseas but do highly specialized work.

We are obviously constantly reviewing this and at the end of the 5 year cycle there was an intention that it would be an appropriate time to possibly go back and try to sharpen up the regulation where we think it needs improvement and obtain a decision from the Legal Counsel as to whether we can do this internally or go back to the Committee. We did feel a 5 year period of experience with the regulation would show quite a bit of patience and thoroughness on our part so I am not at all hopeful that we can come to a decision on a regulation to be effective in time. I think today we either have to put him out of the system or take a judgment on his domestic service as being qualified.

25X1A9a These two people are willing to act on this (indicating 25X1A9a I am 25X1A9a : Aye. The aye's have it. It will not be unantmous. I think all

I am a nay.

this is healthy.

25X1A9a

. This motion was then passed . . . .

25X1A9a This next one is 11 days -hat her status is now? Is she in the Office of CIA-RDP78-03092A000500140002-7



Personnel for DDP or just for the Office of Personnel?

25X1A9a

No, she is in the Security Office Personnel Branch. I recommend this be rounded off to 60 months, which is the closest whole period, and that she be considered.

25X1A9a

This is my instinct. In view of the fact that it is within ll days, the Board saw her total service, and if you asked me right this minute where I would cut off I don't have an answer until the next case.

25X1A9a

The way things are handled administratively the slippage is possible for these 11 days.

25X1A9a

I think we have a motion and second and four ayes. The motion was then passed . . . .

: There is no reason why, if her services were desired,

that she couldn't go - there is no hold on her?

25X1A9a

No, and she is not saying she won't ever go but we can't say we have a planned overseas assignment for her.

25X1A9a

Does she belong to the part of Personnel who go overseas? All of Personnel could go overseas. Then she meets all the requirements except for those 11

We are not identifying a specific period of service as

qualifying -- okay?

25X1A

25X1A9a

days.

She is shy 3 months and 9 days. The 25X1A9a has said, "No overseas assignment

Clandestine Services through 25X1A9a materialized for

and since none is anticipated in the foreseeable

future, she would not qualify under the provisions of the to continu**e** as a participant in the CIA Retirement and Disability System." She has been a secretary steno, admin assistant and so on.

25X1A9a

: How do we reconcile this case with the previous one? I don't like to deal with anything over 3 months. That's beyond the margin of error. I feel like Paul does - when it's within a month or a

matter of days it seems to be easy enough to deal with.

25X1A9a

If you were going to retire the girl I would look at it again.

25X1A9a Is there some reason she doesn't go overseas? Is there a hold on her? 25X1A9a statement that there : I don't know except for 25X1A9a is no overseas assignment and none is anticipated. She hasn't been over since 1960. You look at it and say, 25X1A9a "Does she meet domestic qualifying service?" and here my feeling is she doesn't : My feeling is she is not in that type of assignment. She is not really in the overseas contingent. 25X1A9a : This was written on 21 June. I don't understand why she wouldn't turn up in someone's It almost seems to me they want to keep her out. This is overseas station. very terse and there must be something. : Let me look into this one. 25X1A9a If they wanted to between now and her 15th anniversary they could find a TDY trip. 25X1A9a If they tried to send her to Saigon and she didn't want to go --25X1A9a Something happened since September of 1966. It was then she was designated a participant in the system and she had 56 months and she was put in on the assumption by DDP that she would meet the requirement for 15 years. Mike, would you want to follow up on this and see if there is something more that is missing? 25X1A9a Yes. 25X1A9a Okay, that case is tabled for some further research by Mr. 25X1A9a The next case is which in many ways, Paul, is worse than any of the situations we have reviewed thus far in the sense that it is not at the 15 year - well, he does have 17 years, so if we see this as qualifying service he becomes a participant with a vested right but he is not in the system now. 25X1A9a The extenuating circumstances that I have been able to find when 25X1A9a looked into this a bit --Do you have a copy of the letter? It is a long letter. 25X1A9a then handed a document to 25X1A9a

CFALL

25X1A9a

Here's what happened. When I went to

to

25X1A9a ask him for more detail on Jim's DDP and OSA services, John begged off on the grounds they are phasing out a big chunk of OSA and would it be all right if Jim himself did prepare something. I have a letter from Jim which Emmett and I went over together but, because I didn't know how to classify the thing, I put "Secret - Limited Distribution" and we elected not to duplicate copies, but everybody is welcome to look at it. Anyway, the extenuating circumstances I see

5X1A6a

50. He will at that time try to decide whether he should retire as soon as he can become eligible. So there is the background and I feel quite sure the way his career is going that is the way he will elect to go. So we have a case of something like 3 months or so of kind of verified - I don't know that it is really that verified --

25X1A9a

25X1A

25X1A6a

Twenty-seven is all that is really verified.

Twenty-seven plus the period of time, but undetermined, at

and some other trips that he may have made. All records are lost and we have got to then find something like 30 months or so of other service that we would consider qualifying to give him the vested right. The alternative is not to put him in now but wait till the time comes for retirement. If you would like to read this you can go ahead and read it. It was written in quite a personalized style.

Did you say he would stay 15 months?

25X1A9a

wants to come back for the purpose of kind of assessing whether that is going to be his career for the next 5 or 10 years, or whether he will stay in contract agent status, or whether he will retire. That is the decision he wants to try to come to toward the end of next year. If he decides to stay in and retire when eligible then he'd go back and get the other time.

25X1A9a

There is an overall Agency management problem here of a particularly difficult case for a deserving man who did a fine job completely out of his element. I think he started as a support officer.

25X1A9a For the first 9 years -- Personnel Procurement, Special Recruitment -- it looks bad on the profile and it takes it right up to 1959 -- admin officer.

25X1A9a I think one other thing gives us an additional crutch.

He is on a tour which, if he concludes, would qualify him.

25X1A9a : It would qualify him. You are talking about 10 or 15 years?

25X1A9a

If he stays for a 3 year tour he would be fully qualified.

We really have the ability when a man is on orders on a tour --

: Not when a person has 15 years.

25X1A9a
: He has to get his 60 months before 15 years.

We would be in better shape to get him out there and work on this tour. If he is going to stay a few years there will be time enough to come up with a stronger case than they have today and not looking ahead 3 years. Some of this may never come off.

25X1A9a This letter isn't very well phrased. There should be a request that we find the necessary qualifying service in the AQUATONE period some place. I think we need a different kind of record for that purpose than this sort of thing.

25X1A9a What he covers there it is hard to tell one from the other. It includes the 27 months here for which he has been given credit.

25X1A9a

One year of that is overseas duty.

He only talked about those periods in addition to the 27 months. I find it a little difficult.

25X1A9a

Something like 12 months and 14 days during the period.

I would like to accommodate and I must admit I had hoped for a better letter than that.

25X1A9a

Was he really calling the pitches on operations abroad?

Yes. Dick Bissell was the head but they had both a

developmental project, which was designing and developing the aircraft, and also
an operations group, which was actually planning for eventual deployment overseas
and running of missions, so you had two kinds of activity. Jim, at one time or

another was mixed up in both. He really was the key guy in that project for 4 or 5 years.

25X1A9a

of other service.

: Was he the responsible official?

Yes, he was the Deputy Chief.

We have fellows in the system from OSA. How do we treat

a man who does this today? Is he in or out of the system?

25X1A9a

Most of the people at are Commo people, Security 25X1A6a

people, and Logistics people. You have a few 14's or 15's who are DDS&T project

officers. None of them come anywhere close to getting the 60 months of qualifying

25X1A6aservice at The ones who do are the Commo people but they have plenty

25X1A9a

How long a period did he serve as Deputy Chief of that operations group calling the pitches on operations abroad?

25X1A9a From about 1960 through 1963. Now we are getting into the next area which would be the OXCART area. This is the follow-nn aircraft so Jim stayed right in there working with the same designer that worked on the U-2.

25X1A9a: At what time was he in designing or operations so the things that took place overseas he was calling the pitches on?

25X1A9a One day he would be working with the R&D people and the next with the operations people.

25X1A9a

He did have a responsibility for the operations.

May I ask one thing? I'd like to establish this case.

think you ought to talk to Bannerman.

Would it be possible for you to write a brief but

25X1A9a

better letter that would sign, assuming we would want to do this?

Let me pin down with Bob if there is more to this problem than I indicated I know about. It is unfortunate it isn't clearly the sort of thing we have been doing. There would be better reasons. We sort of hate to do it ahead of time without a better reason than we have. This letter strikes me more as patting himself on the back for the tough job he did and the hours that he worked and it doesn't really come to grips with this qualifying service concept as much as it should, and yet I think it is there.

I prefer you talk to Bob before I undertake ary more.

Let's table this case then. He is on his way anyway. We can't honestly say he is not going to go.

25X1A9a

I think he is going alone. As I recall he is leaving his family here.

25X1A9a

This, I think, is much more typical of the type case the deputies are to bring up. Here's a man I feel reasonably sure there is mutual agreement on his leaving at age 59. He could otherwise stay until 62 because he is one of the three "L" men and he is asking that we see some of his domestic service as qualifying.

25X1A9a

One correction. I want the man to stay till he is 62.

He doesn't want to stay until he is 62.

I misstated.

25X1A9a

We can't fight his going out. The reason I want to keep the man is he is doing a prodigious job in the War Plans Group and we are

losing the Chief of the War Plans Group. We have lost the Deputy Chief. He is the third man who works constantly on war plans matters and we are left with almost nobody in that office. I tried like everything to keep him from trying to get into the system. I tried to show him how much it would benefit him if he stayed on till 62 under Civil Service. He still felt that he would like to get out and he is ready to get out. I'd like to have him at least till the end of the year. If the Board says, "We will find this qualifying duty. You have to

25X1A9a

You are undercutting his letter. Whether we put him in or not, he is leaving at age 60. He can do that under Civil Service. He makes a better case for himself by saying, "If you don't see this as qualifying service 25X1A9ayou have got me for 2 more years." That made good sense but if you (indicating

get out in August," I'd still like to extend him at least till 60.

say he is going to leave to 60, irrespective --

I'm saying if the Board said, "You will have to leave no later than 60, because we don't want to give you the best of the two worlds," I would still like to say to the Board, "All right, please let us keep him till the first of the year because we have some people coming back that could replace him."

If you don't put him in the system he may leave in June 1969, which is where he would have left when we changed the policy to age 60. We had been banking on that until he came forward with this paper. We had been banking on his staying with us until 1969, although under the original letter that he received at age 57 he could have stayed on till 1970, and I asked him if he would consider that and he said he would

prefer to go out.

25X1A9a

When we look at this coldly, without the information you supplied, we are getting a man out in 1968 who would otherwise stay 2 more years and this is what management wants within this current quota rather than in the next cycle where we are going to be in trouble.

25X1A9a

I don't know.

Is that the reason why we are being asked to put him in the CIA system?

25X1A9a

This is not one of the kind you are trying to shove out.

This man is saying, "I think the service I performed is qualifying and I'd like that decided by the Board even though that means I am through." I sat down with a pencil and showed him if he stayed on till June 1969, or age 60, which he is entitled to --

25X1A9a I think we should look at this strictly, does the guy qualify for the system?

25X1A9a

There are recommendations all the way up the line. He wants out.

He said, "Put me in the system." The DDP is not

fighting the fact that he is entitled to it.

25X1A9a It says that he will retire from his current component 30 November 1968.

You may remember in the early days when we were considering only overseas duty at the time and this man came forward, as I remember, with a paper saying that he was entitled to the time he spent overseas for this Agency as

We said, "No, you had to be a civilian employee under the Act," and he was very insensed about this and since those days he has always felt that at least the service that he performed for the Agency in his capacity as Deputy Chief of the Branch was qualifying duty but he never came forward to do anything a bout it until just recently. All this time I have been pleased because I was hoping to retain him in his present job until June 1969, or maybe November 1970, if he would stay because under the pronouncement of the DCI he could go back to that original notice. He still wants this to be considered and I have said to him, "If the Board passes favorably and considers this as qualifying duty and puts you into the system will you please stay on?"

25X1A9a DDP is saying, "We have all these people coming back and don't have jobs." This is exactly what they want to do - get court. 25X1A9a

25X1A9a But we don't have any fellow to replace him. he Board Minutes say he should retire when he attains age 60. 25X1A9a We bring him into the system with the understanding that he retires at the mandatory age. DDP is going to say they don't have anybody to replace him with when we are trying to find jobs for these returning people. 25X1A6a I knew Dick in . He is not all that much of a genius and I can't believe someone else coming back home couldn't do that job. 25X1A9a I think you will get a statement asking you to extend him till the end of this year. I want to say that if you ask for 60 days D/Pers may 25X1A9a not see fit to approve it himself. He may, or send it forward to the DCI with a statement the DDP has no one to replace him. I want to alert you to this. 25X1A9a I don't have a replacement for the Chief. I den't 25X1A9ahave a replacement for the Deputy Chief and we are losing have four months to find these three people. We push the IBM button and we d on't come up with anyone with War Plans experience. We don't have very many military people. The BALPA man can replace somebody. 25X1A9a If we asked for it wouldn't you give us a couple months till the guy is trained? 25X1A9a We see your problem and I am sure it is a real one but 25X1A9#e are being pressured by Colonel White. It seems to me you should be hitting and say, "I need somebody." 25X1A9a I'm looking at papers and files every day, but that is not the question. Does he qualify to get into the system? I say you have got to consider it on the basis of - "If 25X1A9a you take me into the system I am ready to turn in my suit" - and he is saying that very clearly. His write-up here says he has been making operational decisions on FI, CI and CA operations; meeting, under alias, with foreign agents in direct conduct of FI and CA operations; direct handling of staff agents in 25X1A6a

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direct handling of RYBAT project; action officer for clandestine aspects of a

visit of a high ranking foreign dignitary. To me I don't have much trouble with

this.

25X1A9a Now that retirement is close I won't have much trouble with that detail service. I'd give him some "Brownie points" for the detail service. 25X1A9a Given a review of the total career, we see it. I was thinking if the Congressional Committee heard this case I don't think it would sound farfetched to them. He also did 3 years overaseas for us - sure, it was military but it's a factor. It tips the balance. 25X1A9a It did for me. : You cannot include it and therefore it is out as far as I'm concerned. 25X1A9a I'd have a hard time including some Deputy Chief of one of the bureaus down there. That's a tough one for me to swallow. Do I have a nomination - a motion? I made the motion that he be admitted to the system. 25X1A9a I second. 25X1A9a . This motion was then passed . . . . In the case of there is a bit of compassion in that he is 58 and has a child 6 and a child 8. I'd say it's not a physical disability. 25X1A9a No, but there was an administrative blunder and the man really would be getting very short notice. I'm a little concerned. We do have an opinion that the Agency is not obligated to give anybody five years notice. 25X1A9a The basis of our rationale has always been we are giving 5 years and this gives this poor chap only 25 months. 25X1A9a I certainly think he is entitled to it on the basis of that, 25X1A9aplus compassion, and the fact that he is in a unique job where he is not blocking anybody's progress. Do you (indicating know if he left would somebody else have to be sent out there to do that job? 25X1A9a Probably - I would think so - it's liaison with them on the whole question and it isn't easy to find somebody for that who gets along out there. It seems to me there is a consensus here that he is entitled 25X1A9a to more notice. We ought to bail him out by allowing him to stay. Do we need discussion on this or is there a motion to be made?

. . . The meeting then went off the record . . . .

25X1A9a I think we had a motion and a second. (no response)

. . . This motion was then passed . . . . 25X1A9a

25X1A9a

This is a separate case -- -- Jack

Coffee called me on and said, "What is the climate and how should I handle this?"

I told him I thought he ought to take a strong stand for this type of person. This is not a major problem in obtaining an extension. These are printing shop people who really don't get in the picture and who have been given all the previous limits of Civil Service. They are not the dedicated CIA men but are more a part of the local scene. I told him I thought he had a very good chance of having them all approved if he endorsed them on the basis they are doing a fine job and terribly hard to replace and part of a total system that normally contemplates working until

25X1A9a<sub>70</sub> years. Is the only one at this time.

25X1A9a

I am all for it.

Is it unanimous? (no response) It is unanimously carried.

. . . This motion was then passed . . . .

. . . The meeting ended at 3:55 p.m. . . .